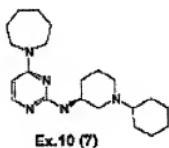


REMARKS

This responds to the Restriction and Election of Species Requirement, dated November 27, 2008. In response to the Restriction Requirement, Applicant elects Group I, claims 1-34 drawn to compounds, compositions and methods of use of compounds of formula (I) where ring A is azepine and ring B is pyrimidine for examination. This election is made without traverse.

This responds to the Election of Species Requirement, dated November 28, 2007. The Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claim 1 is generic. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicants elect the compound of Ex. 10(7) at page 173 of the specification, which has the following structure:



Claims 1-34 are readable on the elected species.

Applicants note that the compound of Ex. 10(7) is described as compound (6) in claim 9. In (6) of claim 9, the compound is described as 4-azepan-1-yl-N-[(3S)-1-cyclohexylpiperidin-3-yl]pyrimidin-2-amine, while it is described as 4-(perhydroazepin-1-yl)-2-[(3S)-1-cyclohexyl)piperidin-3-ylamino]pyrimidine in Example 10(7). Although the names are different between compound (6) of claim 9 and Example 10(7), they are the same compound.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent there from should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to non-elected subject matter.

Amendment

Claim 9 is amended herein to correct a typographical error in compound (8). No new matter is presented.

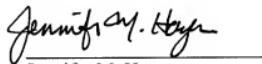
RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT AND
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/538,758

Attorney Docket No.: Q88484

Conclusion

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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